



Ohio  
Republican  
Party

www.ohiogop.org

Robert T. Bennett  
Chairman

Kay Ayres  
Vice Chairman

Martha C. Moore  
Vice Chairman Emeritus

FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2006 OCT -4 P 12:47

MUR # 5833

October 2, 2006

**BY FACSIMILE**

Federal Election Commission  
Office of the General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Amended complaint against Ohio Democratic Party

Dear Commissioners:

This letter constitutes a formal complaint filed under 2 U.S.C. § 437(g)a of the Federal Election Campaign Act ("FECA") on behalf of the Ohio Republican Party. It is our belief, based on the information set out below, that the Ohio Democratic Party ("Ohio Democrats") has violated FECA and the Commission's regulations.

The mail piece attached hereto as Exhibit A was paid for by the Ohio Democrats and constitutes Federal Election Activity, as defined in 11 C.F.R. § 100.24(b), which is made apparent by the disclaimers and content of the material. The mail piece promotes Democrat Sherrod Brown's candidacy for U.S. Senate and Democrat Ted Strickland's candidacy for Governor of Ohio. The mail piece's disclaimer state only "Paid for by the Ohio Democratic Party." Neither mail piece nor their disclaimers state whether any candidate or candidate's committee authorized the piece. Under the requirements of 11 C.F.R. § 110.11(b)(3), "[i]f the communication...is not authorized by a candidate, authorized committee of a candidate, or an agent of either of the foregoing, the disclaimer must clearly state the full name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication, and that the communication is not authorized by any candidate or candidate's committee."

It appears that the Ohio Democrats have either (1) violated 11 C.F.R. § 110.11(b)(3)'s disclaimer requirements; (2) are attempting to fund this mailing under the "volunteer activity for party committees" exemption in 11 C.F.R. §§ 100.87, 100.147; or (3) are attempting to fund this mailing under the "slate card" exemption in 11 C.F.R. § 100.140.

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Assuming the Ohio Democrats have not violated the disclaimer provisions of 11 C.F.R. § 110.11(b)(3), and that they report these materials as exempt party activities, 11 C.F.R. § 100.147(d) requires such materials to be "distributed by volunteers and not by commercial or for-profit operations" in order to qualify for the exemption from party contribution and expenditure limits. The attached commercially produced mail piece, however, clearly bears a commercially printed label and postage stamp. See Ex. A. This mail piece does not satisfy the volunteer requirement of 11 C.F.R. § 100.147. In the alternative, if the Ohio Democrats report this mailing as a slate card, 11 C.F.R. 100.140 requires the mailing to list three or more candidates. Since Sherrod Brown and Ted Strickland are clearly the only Democrat candidates listed, this mail piece does not qualify for the slate card exemption.

The Ohio Democrats have either violated 11 C.F.R. § 110.11(b)(3), or failed to allocate and report the costs of such materials to the Friends of Sherrod Brown committee as a contribution under 2 U.S.C. § 441a. As a result, it appears the Ohio Democrats may have made an excessive contribution to Friends of Sherrod Brown.

The above is true and correct to the best of my knowledge, information, and belief.

Sincerely,



Robert T. Bennett  
State Chairman

on behalf of the  
Ohio Republican Party

Sworn and subscribed to in Columbus, Ohio, by the said  
Robert T. Bennett on the 2nd day of October, 2006.

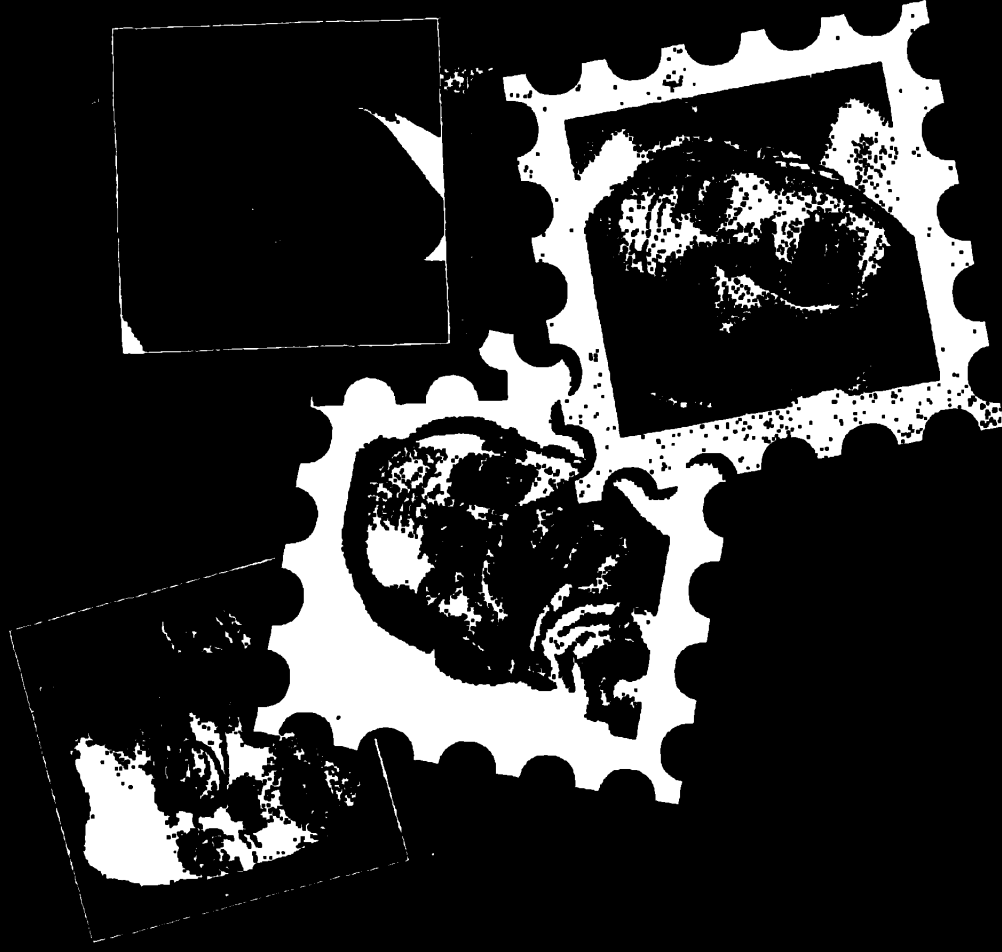


LINDA S. HAYS  
Notary Public, State of Ohio  
My Commission Expires 08/24/2009

  
Notary Public

My commission expires: 8-24-09

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You don't have to wait until  
Election Day to send them a message...



### **3 Easy Steps to Vote by Mail**

#### **1. Get Your Application**

You'll receive a Vote by Mail application from us shortly.

#### **2. Mail In Your Application**

Fill out your application and send it in.

#### **3. Cast Your Vote From Home**

You'll receive an official ballot by mail, which you can fill out and mail in.

Voting for a better future just got even easier. Vote by Mail.

# Vote by Mail to Turn Around Ohio

**Ohio has seen enough corruption and misplaced priorities. Working together, Ted Strickland and Sherrod Brown will turn around Ohio:**

➔ **Fighting Corruption in Columbus and Washington**

The corrupt Taft and Bush Administrations have led Ohio in the wrong direction. Ted Strickland and Sherrod Brown will put an end to corporate tax breaks that cost taxpayers millions and have left Ohio's families with the third worst tax burden in the nation. They will turn around Ohio, get us back on track, and restore honesty, integrity, and responsibility.

➔ **Standing Up for Middle-Class Families**

Ted Strickland and Sherrod Brown understand the problems workers face today and are the only candidates who refuse to accept the free health care benefits provided members of Congress until all Ohio families have access to adequate care. They have a plan to expand health coverage for working families and to raise the minimum wage.

➔ **Making Ohio a Great Place to Live and Work**

Over the past five years, Ohio has lost more than 200,000 jobs and has seen a sharp decline in college attendance. Ted Strickland and Sherrod Brown will expand job growth by investing in entrepreneurship, innovation, and energy production, and they will provide access to world-class schools that will challenge and prepare our children for the next-generation workforce.



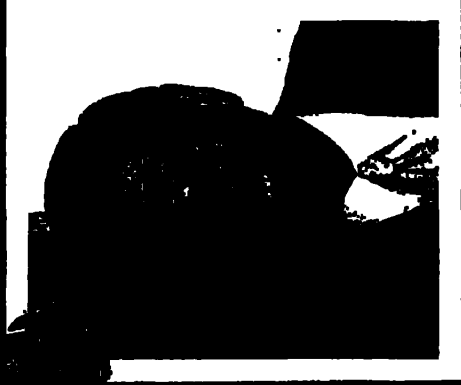
**Ted Strickland**



**Sherrod Brown**

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**Important Notice:**  
**You will soon be receiving a Vote by Mail application.**



Ted Strickland



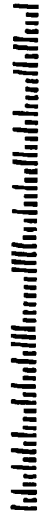
Sherrod Brown

**Ohio Democrats**  
**Provide the Change We Need**

Chris Redfern, Chairman  
Ohio Democratic Party  
271 East State Street  
Columbus, OH 43215

Non-Profit Org.  
U.S. Postage Paid  
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RETURN SERVICE REQUESTED



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CINCINNATI OH 45220-1086

Paid for by the Ohio Democratic Party.



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